

Appl. No.: 10/005,789
Amendment dated April 7, 2006
Reply to Final Office Action mailed January 11, 2006

REMARKS/ARGUMENTS

The Final Office Action of January 11, 2006 has been carefully reviewed, and these remarks and request for continued examination are Applicant's response thereto. Reconsideration and allowance of the instant application are respectfully requested.

Independent claim 1 and dependent claims 2, 4-7 and 18-21 are pending. Claims 1, 2, 4-5, 7 and 20-21 have been amended. Claims 22-23 are cancelled. Claims 8-17 are withdrawn. Claims 1, 2, 4-6, 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,643,203 to Rise ("Rise") in view of U.S. Patent No. 5,584,885 to Seckel ("Seckel"). Claims 7, 18, and 19 were rejected over Rise in view of Seckel and in further view of U.S. Pat. No. 5,738,129 to Medenica *et al.* ("Medenica"). In response, Applicant respectfully traverses the rejection in light of the above amendments and the following remarks.

Cancelled Claims

Claims 22-23 have been cancelled, thus mooted the rejection of these claims. The cancelling of claims 22-23 is without prejudice to the refilling of similar claims in a continuation application.

Amended Claims

Independent claim 1 has been amended to recite "the infusion device having a first reservoir and a second reservoir, the medicament composition contained in the first reservoir for providing a therapeutic benefit to the target site, the medicament composition in the second reservoir including living cells, wherein the first reservoir is specifically tailored to provide a comprehensive microenvironment at a target site in the living body and the medicament composition in the second reservoir is configured to regenerate the target site of the living body." Support for the amendment is at least found in paragraph 10 on pages 3-4 and in paragraph 17 on pages 4-5, thus no new matter has been added.

Claim 2 has been amended to recite "wherein the infusion device comprises a first implantable pump and a second implantable pump, wherein the first implantable pump is configured to deliver the medicament composition in the first reservoir and the second implantable pump is configured to deliver the medicament composition in the second reservoir."

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Support for this amendment is at least found on page 5 in paragraph 17. Thus, no new matter has been entered by this amendment.

Claims 4-5, 7 and 20-21 have been amended to correspond to the amendment made in claim 1, thus these amendments add no new matter.

Rejection Under 35 U.S.C. § 103(a) – Rise & Seckel & Medenica

Claims 1, 2, 4-6, and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rise in view of Seckel. Claims 7, 18, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rise in view of Seckel in further view of Medenica. Claim 1 is the sole independent claim.

As noted above, independent claim 1 has been amended to recite “the infusion device having a first reservoir and a second reservoir, the medicament composition contained in the first reservoir for providing a therapeutic benefit to the target site, the medicament composition in the second reservoir including living cells, wherein the first reservoir is specifically tailored to provide a comprehensive microenvironment at a target site in the living body and the medicament composition in the second reservoir is configured to regenerate the target site of the living body.” Applicant respectfully submits that the references of record, alone or in combination, fail to disclose or suggest or teach all of the above recited features of claim 1. As references of record do not disclose, suggest or teach all the features of claim 1, the references of record cannot be said to support a *prima facie* case of obviousness. Therefore, independent claim 1 is nonobvious in view of the references of record.

The remaining pending claims 2, 4-7, and 18-21 depend from independent claim 1 and are nonobvious in view of the references of record for the reasons discussed above with respect to claim 1 and for the additional limitations recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

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CONCLUSION

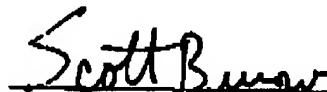
All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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